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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 NATHANIEL GREEN,

11 Plaintiff,

No. CIV S- 00-2031 WBS CMK PS

12 vs.

13 JO ANNE B. BARNHART,
14 Commissioner of Social Security,

15 Defendant.

FINDINGS & RECOMMENDATIONS

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17 Plaintiff initiated this action challenging a decision by the Commissioner of
18 Social Security denying his claim for disability benefits by filing an application to proceed in
19 forma pauperis in July of 2000. The case was remanded back to the Agency in April of 2001.
20 On August 13, 2004, the defendant filed an answer after remand and lodged the administrative
21 record.

22 It now appears that plaintiff has abandoned prosecution of this case. Plaintiff has
23 taken no action in this case since filing his application to proceed in forma pauperis on July 3,
24 2000. On August 19, 2005, this court filed an order directing plaintiff to file his motion for
25 summary judgment with twenty days.¹ On August 24, 2005, this court filed an order directing
26 _____


¹September 8, 2005, was the day plaintiff's motion for summary judgment was due.

1 the clerk to send plaintiff a Consent of Assignment form and directing plaintiff to complete and
2 return said form within ten days of service. Plaintiff has not responded to either order.

3 This file reflects no activity by plaintiff for over five years, and plaintiff has
4 failed to respond to the courts two recent orders. Accordingly, IT IS RECOMMENDED that
5 plaintiff's case be dismissed for lack of prosecution.

6 These findings and recommendations are submitted to the United States District
7 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within ten
8 days after being served with these findings and recommendations, any party may file written
9 objections with the court and serve a copy on all parties. Such a document should be captioned
10 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections
11 shall be served and filed within ten days after service of the objections. The parties are advised
12 that failure to file objections within the specified time may waive the right to appeal the District
13 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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15 DATED: September 13, 2005.

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18 **CRAIG M. KELLISON**
19 UNITED STATES MAGISTRATE JUDGE
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